



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

v.

ANGEL LUIS DIAZ,

Defendant.
-----X

ORDER

14 CR 288 (VB)

By Order dated June 4, 2020 (Doc. #27), the Court denied without prejudice defendant Angel Luis Diaz's June 3, 2020, motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (see Doc. #26), because defendant's submission did not indicate whether the exhaustion requirement, a prerequisite to making such a motion, had been satisfied.

On August 31, 2020, the Court received from defendant a "Renewed Emergency Motion for Compassionate Release," dated August 6, 2020. (Doc. #28). The submission contains a letter dated June 25, 2020, from the warden of defendant's facility, which indicates that on or prior to June 25, 2020, defendant made an application to the warden for compassionate release under Section 3582(c)(1)(A)(i), and that on June 25, 2020, the warden denied defendant's request. (Id.).

Thirty days following the warden's June 25, 2020, response to defendant's compassionate release application would be July 25, 2020. Accordingly, more than thirty days have lapsed since the warden's receipt of defendant's application. For this reason, defendant has demonstrated that he has satisfied the exhaustion requirement of Section 3582(c)(1)(A).

Accordingly, by September 15, 2020, the government is directed to file its response to defendant's renewed motion. (Doc. #28). The government is directed to address the merits of the motion.

Chambers will mail a copy of this Order to defendant at the following address:

Angel Luis Diaz
Reg. No. 08441-069
FCC Coleman Low
P.O. Box 1031
Coleman, FL 33521

Dated: September 1, 2020
White Plains, NY

SO ORDERED:

Vincent L. Briccetti, U.S.D.J.